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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,181	02/28/2006	Adrian Wing Fai Lo	890050.526USPC	5317
500 7590 06/08/2007 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104			EXAMINER LEPISTO, RYAN A	
			ART UNIT 2883	PAPER NUMBER
			MAIL DATE 06/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/534,181	LO ET AL.	
	Examiner	Art Unit	
	Ryan Lepisto	2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/6/05</u> , <u>5/24/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

Figures 26 and 27 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 34 is objected to because of the following informalities: It depends from claim 35 currently, but it will be assumed that it should depend from claim 33 since a claim should not be dependent from a higher numbered claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 and 15-34 are rejected under 35 U.S.C. 102(e) as being anticipated by **Nakanishi et al (US 6,318,908 B1)** (Nakanishi). Nakanishi teaches an optical module and method of forming such (Figs. 13-15, 20-22) comprising a lead frame (die pad) circuit board (not shown, column 7 lines 60-64), a first platform body (the raised portion of the substrate 63), a second platform body (the lower portion of the substrate 63 right of the first platform body) parallel the first, an optical fiber (73) and ferrule (72) fixed on the side of the first platform body, a light emitter (65) on the second platform body and adapted for generating optical signals which should be transmitted to the fiber, a receiving photodiode (67) mounted on the first platform body and adapted for transforming optical signals received through the fiber (73) into electric signals, a filter (68) provided so that the fiber (73) is divided at the position between the receiving photodiode (67) and the light emitter (65), a monitoring photodiode (66) which is mounted on the second platform body and used for monitoring the intensity of the light emitter (65), an encapsulation member (80) that covers the first and second platform bodies and the lead frame, an IC (69) mounted on the lead frame via the first platform body which receives the output signals from the receiving photodiode (67) and process the output signals, a plurality of leads (98-103) terminated at a mounting surface and drawn out from a package body (Fig. 20) consisting of the encapsulation member (80) and at least a part of which is covered by the encapsulation member (80).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi as applied to claims 1-10 and 15-34 above, and further in view of **Ury (US 4,802,178)**.

Nakanishi teaches the optical module previously discussed.

Nakanishi does not teach expressly the first platform body placed on the second platform body.

Ury teaches an optical module (Fig. 1) comprising a first platform body (27) that is mounted on a second platform body (10).

Nakanishi and Ury are analogous art because they are from the same field of endeavor, optical modules.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use separate platform bodies as is taught by Ury in the invention taught by Nakanishi since Nakanishi already separates two portions of the platform bodies.

The motivation for doing so would have been to be able to mount heat producing bodies on a cooler that will maintain constant temperature (Ury, column 2 lines 51-61).

Claims 13, 14, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi as applied to claims 1-10 and 15-34 above, and further in view of **Collins et al (US 5,852,696)** (Collins).

Nakanishi teaches the optical module previously discussed.

Nakanishi does not teach expressly silicone gel covering either a part of the fiber, the receiving photodiode, the emitter or the filter.

Collins teaches an optical module wherein the light emitter is coated with a silicone sealing gel (column 3 lines 63-64).

Nakanishi and Collins are analogous art because they are from the same field of endeavor, optical modules.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use a silicone gel to cover the light emitter of Nakanishi as taught by Collins.

The motivation for doing so would have been to be able to protect the laser from humidity and other contaminants (Collins, column 3 line 63 – column 4 line 4).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references teach optical modules: Uno et al (US 6,406,196 B1), Whitney et al (US 2003/0108306 A1) and Flanders et al (US 6,776,536 B1).


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Lepisto whose telephone number is (571) 272-1946. The examiner can normally be reached on M-Th 7:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RAL/
Ryan Lepisto
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